

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|------------------------------|---|-----------------------------|
| SYMBOL TECHNOLOGIES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 05-528-SLR |
| |) | |
| INTERMEC TECHNOLOGIES CORP., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**PLAINTIFF SYMBOL TECHNOLOGIES, INC.'S
MOTION TO CONSOLIDATE PURSUANT TO RULE 42**

Pursuant to Federal Rule of Civil Procedure 42(a), Plaintiff Symbol Technologies, Inc. ("Symbol"), respectfully moves this Court to consolidate this action with Civil Action No. 05-147-SLR for all pre-trial purposes and trial.

The grounds for this motion are set forth in Symbol Technologies, Inc.'s Memorandum of Law in Support of Its Motion To Consolidate Pursuant to Rule 42 ("Memorandum of Law"), filed contemporaneously herewith.

The instant motion, accompanied by an identical copy of Symbol's Memorandum of Law, will be filed by Symbol in Civil Action No. 05-147-SLR as well.

August 15, 2005

CONNOLLY BOVE LODGE & HUTZ LLP

/s/ Arthur G. Connolly, III
Kevin F. Brady (#2248)
Arthur G. Connolly, III (#2667)
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801
(302) 658-9141

*Attorneys for Plaintiff,
Symbol Technologies, Inc.*

OF COUNSEL:

Eric J. Lobenfeld
Ira J. Schaefer
Lawrence Brocchini
HOGAN & HARTSON L.L.P.
875 Third Avenue
New York, New York 10022
(212) 918-3000

CERTIFICATE OF SERVICE

I, Arthur G. Connolly, III, hereby certify that on August 15, 2005, I caused to be electronically filed a true and correct copy of the foregoing Motion and Order for Admission *Pro Hac Vice* with the Clerk of Court using CM/ECF which will send notification of such filing to the following counsel of record:

Jack B. Blumenfeld, Esquire
MORRIS NICHOLS ARSHT & TUNNELL
1201 N. Market Street
Wilmington, DE 19801
[jblumenfeld@mnat.com]

I further certify that on August 15, 2005, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel, and that a copy was served on the following non-registered participants on the same date in the manner indicated:

By FedEx

Frederick A. Lorig, Esquire
Bruce R. Zisser, Esquire
BRIGHT & LORIG, P.C.
633 West Fifth Street
Suite 3330
Los Angeles, CA 90071

Carson Veach, Esquire
Leland W. Hutchinson, Jr., Esquire
Jennifer Fitzgerald, Esquire
FREEBORN & PETERS LLP
311 South Wacker Drive
Suite 3000
Chicago, IL 60606

/s/ Arthur G. Connolly, III
CONNOLLY BOVE LODGE & HUTZ LLP
Kevin F. Brady (#2248)
Arthur G. Connolly, III (#2667)
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801
(302) 658-9141
Attorneys for Plaintiff, Symbol Technologies, Inc.